UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/138
18 February 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 16 FEBRUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the communiqué issued by the Government of Zaire in Kinshasa following the statement made by the Spokesman for the Secretary-General of the United Nations after the conclusion of the latter's discussions with you and the five permanent members of the Security Council on the situation of the refugees near Tingi-Tingi in Zairian territory.

I have been instructed to draw your attention and that of all members of the Council to point III in my Government's communiqué, while requesting you to accede to the requests made therein.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Lukabu Khabouji N'ZAJI
Minister Plenipotentiary
Deputy Permanent Representative
Chargé d'Affaires a.i.

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Annex

Communiqué of the Government of Zaire issued in Kinshasa on 16 February 1997

I. The Government of Zaire has noted with astonishment the communiqué issued by the Spokesman for the Secretary-General of the United Nations regarding the refugees located at Tingi-Tingi, and in particular of:

(1) The appeal he made "to the parties to stop turning the refugee camp into an armed base and to ensure the safety and security of all refugees and humanitarian personnel";

(2) The hope he expressed "that leaders in the region will prevail on the protagonists to the conflict to accept a ceasefire and allow time for negotiations to resume".

II. The Government of Zaire wishes to make the following clarifications:

(1) The strategy of those committing aggression against Zaire, namely Rwanda, Uganda and Burundi, consists in exporting the Tutsi-Hutu inter-ethnic conflict into Zairian territory and exterminating the Hutu refugees on Zairian soil on the grounds that they committed genocide;

(2) This is the explanation not only for the attacks by the regular armies of those countries against the refugee camps in North Kivu and South Kivu in Zairian territory, but also for the mass graves discovered at:

- Mugungu near Katindo at Goma: 3,000 bodies;
- Katale, on the Rutshuru road: 500 bodies;
- Chimanga, near Walungu: 500 bodies;
- Kashusa, near Kabare: 600 bodies;
- Kahindo, on the Ratshuru road: 100 bodies;

(3) To date the international community, through the United Nations and particularly the Office of the United Nations High Commissioner for Refugees, whose functions include international protection of refugees, has reacted neither to the attacks directed against the refugee camps by the regular armies of Rwanda and Uganda, nor to the issue of the mass graves, nor to the systematic extermination of Hutu refugees which is currently common knowledge (see the newspaper "De Standaard" of 8-9 February 1997);

(4) Since the attacking of the refugee camps and the refusal to deploy the multinational force, the Government of Zaire has no longer been accepting in its territory either the re-establishment of former refugee camps or the establishment of new refugee camps.

Thus there is no refugee encampment at Tingi-Tingi, but rather a concentration of refugees, displaced persons and members of the affected civilian population fleeing the war.

With regard to the militarization of this encampment referred to by the Spokesman for the Secretary-General of the United Nations, the Government of Zaire states that it is not recruiting former Rwandan soldiers or other militia members, and that it would not be capable of militarizing the wandering refugees or former soldiers and militia scattered throughout the countryside following the attacks on their camps;

(5) The Government of Zaire wishes to recall that if there are still Rwandan refugees and former Rwandan soldiers and militia on Zairian soil, that is on the one hand because the United Nations was unwilling to move the former members of the Rwandan armed forces and militia to Kongolo in Shaba, Lukandu in Maniema and Irebu in Equateur, as the Zairian Government had requested it to do at the time, and on the other hand because the United Nations was not in a position to secure the application of and respect for Security Council resolution 1080 (1996) of 15 November 1996 on the deployment of the multinational force which was to establish the security of the humanitarian corridors for the return of all the refugees to their homes;

(6) The Government of Zaire, which is no longer making henceforth any distinction between civilian refugees, members of the former Rwandan armed forces and Interahamwe militia, is moreover astonished to note that the statement by the Spokesman for the Secretary-General concerns itself only with the safety and security of refugees and humanitarian personnel, and not with the fate of the Zairian displaced persons and the afflicted populations.

This discriminatory treatment is incompatible with the missions of the United Nations in general and of the Office of the United Nations High Commissioner for Refugees in particular;

(7) The experience drawn from the wars of invasion in the Great Lakes region shows that calling for a ceasefire on the part of unidentified protagonists generally tends to legitimize aggression and transform a war of invasion into a civil war with a view to destabilizing the political regime in question from inside.

It is for this reason that the Government of Zaire cannot accept a ceasefire between unidentified protagonists at a time when the aggression that is being conducted against Zaire is now common knowledge, in that a number of States in the world, including members of the Security Council, have proof of that aggression.

The problem posed here is to draw all the consequences from that aggression;

(8) Any ceasefire between the Government of Zaire and the regular armies of Uganda, Rwanda and Burundi must be accompanied by the immediate withdrawal of all foreign troops, as requested in the statement by the President of the the Security Council of 7 February 1997 (see S/PRST/1997/5).

The Government of Zaire also deplores the fact that, to date, Uganda and Rwanda have not responded to the statement by the President of the Security Council inviting them to withdraw their troops from Zairian territory. The Government notes, on the contrary, that these countries are continuing their aggression.

(9) The Government of Zaire considers that the statement by the Spokesman for the Secretary-General of 14 February 1997 is in contradiction to the statement of the President of the Security Council referred to above;

(10) Calling on unidentified protagonists to institute a ceasefire which will allow "time for negotiations to resume" supposes that negotiations had previously taken place.

The Government of Zaire is not a party to any negotiations and has to date initiated none with any party whatsoever, and reaffirms that its national sovereignty, its territorial integrity, the inviolability of its borders and the problem of nationality, which are problems of domestic politics, cannot be subject to any outside interference and are not negotiable;

(11) The Government of Zaire invites the international community to note that the statement by the Spokesman for the Secretary-General of the United Nations gave rise to an ultimatum which demonstrates that the alleged Zairian rebellion is in fact no more than a group of Tutsi underlings pursuing a policy of extermination of the Hutu refugees on Zairian soil.

III. The Government of Zaire consequently requests the Security Council:

- To meet urgently in order to examine its complaint against Uganda and Rwanda in the light of all the information available to it, including the report of the Special Representative of the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity following his visit to the Great Lakes region, in order to take measures capable of putting an end to the aggression perpetrated by these States against Zaire;

- To issue a strong condemnation of the aggression to which Zaire is being subjected;

- To order the withdrawal of the foreign troops from Zairian territory;

- To establish the monitoring mechanisms required for this purpose;

- To take appropriate measures to put an end to the extermination of the Hutu refugees in Zairian territory, in order that Zaire will not in future be held responsible by those very people who are today putting them to death;

- To remove all the Rwandan refugees, including the former members of the Rwandan armed forces and the Interahamwe militia, from Zairian territory.

IV. The Government of Zaire deplores the fact that the Office of the United Nations High Commissioner for Refugees, following the lightning visit by the High Commissioner, Mrs. Sadako Ogata, did not draw the attention of the Secretary-General and the international community to the danger of extermination facing the Rwandan refugees, when the attempt by the aggressor troops to encircle the refugees at Katshungu and Shabunda, in South Kivu, with a view to eliminating them is common knowledge.

The Government is all the more concerned at this attitude in that UNHCR, which is behind the statement by the Spokesman for the Secretary-General, had a few months ago supported the statements reporting the return of all the refugees to their country, whereas today it is yielding to the evidence that there are Rwandan refugees in Zaire.

It is this double standard which is helping to increase the confusion and aggravate the situation of the refugees and displaced persons in eastern Zaire.

For the Government of Zaire

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs